**Appendix 4 – Mobile Home Sites Licensing Fee Policy**

**Introduction**

The Caravan Sites and Control of Development Act 1960 (“the Act”) requires certain caravan sites (also referred to as Mobile Home Parks or Park Homes) to be licensed by Councils. The Mobile Homes Act 2013 amends this legislation and allows the Council to charge site owners a fee in specified cases. This Act came into effect on 26 May 2013.

Section 10A (2) of Act requires a Council to publish a Fees Policy before charging a fee. This fee policy details when a fee is payable, and how these fees have been calculated. The current fee will be published on the Council’s website in the Fees and Charges report.

In setting this policy, Test Valley Borough Council has had regard to the DCLG document “The Mobile Homes Act 2013 – A Guide for Local Authorities on setting site licensing fees” and the MHCLG guidance on Setting Fees for Fit and Proper Person checks.

**Scope of the Licensing Fees**

Fees will apply to relevant protected sites who require a site licence under the Act.

A relevant protected site is defined in the Act as any land to be used as a caravan site other than one detailed in the exemptions.

The licence fee will not apply to the following sites:

* Sites for holiday use only
* Sites where conditions require that there are times of year when no caravan may be stationed on the land for human habitation
* Sites that are occupied only be the site owner and his/her family or by a person employed by the site owner except where under an agreement to which the Mobile Homes Act 1983 applies.

Fees will be charged for:

1. applications to grant a new site licence,
2. applications to transfer a site licence;
3. applications to vary site licence conditions;
4. depositing of site rules with the Council;
5. an Annual fee for administering and monitoring site licences
6. applications to be included on the local register of fit and proper persons to manage a site
7. annual charge for the existing entries on the register of fit and proper persons

In addition the Council is able to charge for enforcement activity and works in default which are not included in the licence fee. These fees are set at the hourly rate of officers for the time involved in the enforcement action.

**Calculation of the licence fee**

Licence fees have been calculated on the cost to the Council for carrying out the specified activity. This includes officer time on site as well as work in the office and travelling. It will also include a cost for mileage for travel to the site as calculated from the Andover office.

The annual fee includes the cost to the Council for carrying out an annual site survey, and associated correspondence, and dealing with enquiries and complaints from residents (not including the taking of formal enforcement action). The annual fee is calculated for the cost of dealing with all licensed sites and proportioned according to the size of the site. This is using the methodology of option 2 in the MHCLG guide Section G.

The Council cannot make a profit on licensing fees. Charges must be limited to recovering the costs of exercising their licensing function as it relates to relevant protected sites.

**Licence Fees**

The table below is provided to give an indication of the level of fees that may be charged by the Council. It is important to note that the fees included below were correct at the time of writing, but may have subsequently been subject to change. The fees set out below are not, therefore, to be considered a definitive guide.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Number of units**  | **Applicable to all sites** | **1-5**  | **6-15**  | **16-30** | **31-45** | **46 and above** |
| **New application for a site licence** | N/A | £556 | £576 | £615 | £634 | £693 |
| **Transfer of Site Licence** | £136 | N/A | N/A | N/A | N/A | N/A |
| **Varying site licence** | £484 | N/A | N/A | N/A | N/A | N/A |
| **Annual Fee** | N/A | £235 | £245 | £321 | £342 | £364 |
| **Depositing site rules with Local Authority** | £62 | N/A | N/A | N/A | N/A | N/A |
| **Fit and Proper Person Register Application Fee** | £244 | N/A | N/A | N/A | N/A | N/A |
| **Fit and Proper Person Annual Fee** | £0 | N/A | N/A | N/A | N/A | N/A |

**Applications for Granting a Site Licence**

Fees are payable on application. Applications will not be processed until the correct fee is received.

**Applications for Transferring a Site Licence**

Fees are payable on application. Applications will not be processed until the correct fee is received. Applicants should contact Test Valley Borough Council to establish if a transfer is permissible before application.

**Applications for varying a Site licence conditions**

Fees are payable on application from a licence holder to vary the site licence conditions. Applications will not be processed until the correct fee is received. No fee is payable if Test Valley Borough Council decides on its own initiative to vary the licence conditions.

Please note that an application to vary site licence conditions and payment of a fee does not mean that Test Valley Borough Council will agree to this variation. The fee is non-refundable in the event that the Council refuse the variation.

**Applications for depositing Site Rules**

The Mobile Homes Act 1983 (as amended) requires a site owner to deposit the site rules with the local authority and for the local authority to publish them on its website. The cost for this takes into account the officer time required to do this. The fee is payable at the time of depositing site rules.

**Annual Site Licence Fee**

The Annual Fee will apply from 1 April each year. Requests for payment will be sent out in April or as soon as possible afterwards and are expected to be paid within 28 days of the date of the invoice.

Site licences which are issued part way through the year will not be required to pay an annual fee until the following April.

If a fee is not paid within the 28 days, the Council will apply to the tribunal for an Order requiring its payment by a date specified. If the fee is not paid as directed by that Order the Council may enforce the Order in the County Court, and after a period of 3 months of the date specified in that order if it still remains unpaid, apply to the First Tier Tribunal for an Order revoking the site licence.

The Council will review the cost to the Council in dealing with licensed sites in each financial year as part of its process to establish fees and charges. The licensing fees may be subject to change from year to year as a result of this process but will always be established on the basis of cost recovery only.

**Fit and Proper Person register**

Fees are payable on application from the licence holder. The level of fee will be charged in accordance with guidance from the Ministry of Housing Communities and Local Government (MHCLG). Applications will not be considered valid and therefore not processed until the correct fee is received.

No refunds will be given in event the Council does not approve an application for entry onto the register.

The Council has calculated the fees based on the expected time taken to process the applications on average. It has taken into account factors as included in the MHCLG guidance. It does not include costs relating to the exercising of other functions under the Caravan Sites and Control of Development Act 1960.

All relevant protected sites, except those only occupied by members of the same family and not run as a commercial residential site, will be subject to the fit and proper person test and will be required to pay a fee. Sites operated by Test Valley Borough Council will not be required to pay a fee.

Fees may also be applied where the Council put in place a manager to oversee the site. These will be charged at cost and will be advised when appropriate.

**Annual Fees for entries on the Fit and Proper person register**

On setting the annual fee the Council has taken into account matters as specified in the MHCLG guidance.

Annual fees will be requested in the April after the entry appears in the register and will apply until the entry on the register has expired.

The Council will take into account costs in operation of the scheme from the previous year and may adjust the subsequent annual fee accordingly.

**Enforcement Fees**

Any enforcement action cannot be included in licensing fees. The Mobile Homes Act 2013 amends the Act to include provision for charging for enforcement. The Council is entitled to recover its costs in deciding to and in the service of a compliance notice. This includes costs incurred in inspections, preparing the notice and obtaining expert advice on it (including legal costs) and any interest the authority intends to charge. This will be calculated on an individual case basis and the demand for recovery will be sent with the compliance notice.

The Council can and will recover the costs involved in respect of work in default and emergency works including the cost of serving notices.

**Review of Fee Policy**

The fee policy came into force in the 2016/17 financial year. The fees are amended each financial year to take into account the actual costs incurred by the Council.

Changes to the calculation of annual fees as a result of surplus and deficit will be determined by the Head of Housing and Environmental Health in conjunction with Finance.

The fee levels will be reviewed each year as part of the Council’s Fees and Charges report to take into account the effect of inflation and any other alteration in cost to the Council, either higher or lower and will be published on the Council’s website following the Council’s decision.

In requiring payment of annual site licence fees each year the Council will inform the site owner of the extent to which they have had regard to any surpluses/deficits from the previous year and will confirm to the site owner the annual fee for the forthcoming year.